

REMARKS

This application has been reviewed in light of the Office Action dated October 5, 2004. In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested.

It is noted that the Office Action Summary Sheet states that the Office Action is in response to the Preliminary Amendment filed on July 17, 2003. However, Applicants understand from the Detailed Action that the Examiner has also considered and entered the second Preliminary Amendment filed on November 21, 2003.

Claims 1-12 are pending and have been amended. Support for the claim changes can be found in the original disclosure, and therefore no new matter has been added. Claims 1, 2 and 5 are in independent form.

Initially, Applicants note with appreciation that Claim 8 has been indicated as allowable if rewritten so as not to depend from a rejected claim. That claim has not been so rewritten because, for the reasons set forth below, its base claim is believed to be allowable.

It is noted that the Examiner approved the Request to Make Drawing Changes filed on July 17, 2003. Since the amended drawings submitted therewith were informal, Applicants are submitting herewith corrected formal drawings corresponding thereto.

Claims 1-6, 9, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,007,187 (*Kashino et al.*). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kashino et al.* in view of U.S. Patent No.

5,821,962 (*Kudo et al.*). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kashino et al.* in view of U.S. Patent No. 6,457,816 (*Ishinaga et al.*). In response to these rejections, Applicants submit the following remarks.

Applicants submit that, for at least the reasons set forth below, the independent claims patentably distinguish the invention over the cited art, and Applicants request reconsideration and withdrawal of the §§ 102 and 103 rejections.

Independent Claim 1 recites, *inter alia*, a restrictor portion provided at a recessed portion of an ejection outlet, wherein liquid forms a meniscus and is retained in the ejection outlet such that the restrictor portion is within the liquid, and wherein the restrictor portion has an opening and defines an entirety of a closed periphery of the opening. Each of independent Claims 2 and 5 includes the same recitation.

These features of the claimed invention may be illustrated, for example, in Figs. 1A and 1B. As shown therein, restrictor portion 7 is provided at a recessed portion of ejection outlet 4, wherein liquid forms a meniscus 8 and is retained in the ejection outlet 4 such that the restrictor portion 7 is within the liquid, and wherein the restrictor portion 7 has an opening 7a and defines an entirety of a closed periphery of the opening 7a. As shown in Fig. 1A, the closed periphery of the opening 7a is illustrated as the circumference of the circular region labeled "7a." As shown in Fig. 1A, the entirety of the closed periphery is defined by restrictor portion 7. (The closed periphery is not seen in Fig. 1B because that figure is a cross-sectional view taken through the center of the circular region 7a.) (Of course, the detail of the figures is not to be taken as limiting the scope of the claims.)

Kashino et al. relates to a liquid ejection head including an ejection outlet opposed to a substrate, with a movable member interposed therebetween. The Office Action (page 2) cites movable portion 6 and slit 8, as shown in Fig. 7, as the recited restrictor portion and the recited opening of the restrictor portion, respectively. However, as seen in Figs. 7 and 8, the movable portion 6 does not define an entirety of a closed periphery of the slit 8. Applicants submit that nothing in *Kashino et al.* would teach or suggest at least a restrictor portion having an opening and defining an entirety of a closed periphery of the opening, in the combination as claimed.

Since *Kashino et al.* does not contain all of the elements of independent Claim 1, that claim is believed allowable over the cited art. Since each of independent Claims 2 and 5 also recites the above-noted features recited in Claim 1, those claims are believed allowable for at least the same reasons.


A review of the other art of record, including *Kudo et al.* and *Ishinaga et al.*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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